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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

ILIAS BOUREKAS,

Debtor.

ANDREW M. THALER, Chapter 7 Trustee of
the Bankruptcy Estate of ILIAS BOUREKAS,

Plaintiff,

-against-

ANNA RIZOS and KYRIAKI BOUREKAS,

Defendants.

Chapter 7

Case No. 18-78496 (LAS)

Adv. Proc. No. 19-08055 (LAS)

ANSWER TO AMENDED COMPLAINT

Defendants Anna Rizos and Kyriaki Bourekas (collectively, the “**Defendants**”), through counsel, Rosen & Associates, P.C., hereby submit this answer to the amended complaint dated April 25, 2019 (the “**Complaint**”),¹ filed by Plaintiff Andrew M. Thaler, as Chapter 7 Trustee of the Bankruptcy Estate of Ilias Bourekas (the “**Trustee**”), and respectfully submit as follows:

AS TO NATURE OF THE CASE

1. Defendants admit that the Trustee purports to have brought this action pursuant to the authority cited therein. To the extent the allegations in paragraph 1 state a legal

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Complaint.

conclusion, no responsive pleading is required. Otherwise, except as expressly admitted, Defendants deny the allegations contained in paragraph 1 of the Complaint.

AS TO JURISDICTION, VENUE, AND FINAL ORDERS OR JUDGMENTS

2. Defendants admit the allegations contained in paragraph 2 of the Complaint.

3. Defendants neither admit nor deny the allegations contained in paragraphs 3 and 4 of the Complaint, as such allegations are legal conclusions to which no response is required.

4. Defendants consent to the entry of final orders or judgment by the Bankruptcy Court pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure.

AS TO THE PARTIES

5. Defendants neither admit nor deny the allegations contained in paragraph 6 of the Complaint, as such allegations are legal conclusions to which no response is required.

6. Defendants admit the allegations contained in paragraphs 7 and 8 of the Complaint.

AS TO BACKGROUND

7. Defendants admit the allegations contained in paragraphs 9 through 12 of the Complaint.

8. To the extent the allegations in paragraph 13 purport to cite or summarize publicly filed documents, Defendants respectfully refer the Court to the actual cited documents for a complete and accurate statement of their contents. To the extent the allegations in paragraph 13 state legal conclusions, no responsive pleading is required. Otherwise, except as expressly admitted, Defendants deny the allegations in paragraph 13 of the Complaint.

9. Defendants deny the allegations contained in paragraph 14 of the Complaint.

10. Defendants admit the allegations contained in paragraphs 15 through 17 of the Complaint.

11. Defendants deny the allegations contained in paragraph 18 of the Complaint.

12. Defendants admit the allegations contained in paragraph 19 of the Complaint.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint.

AS TO FIRST CAUSE OF ACTION

14. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

15. Defendants deny the allegations contained in paragraph 22 of the Complaint.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint.

17. To the extent the allegations in paragraph 24 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 24 of the Complaint.

AS TO SECOND CAUSE OF ACTION

18. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

19. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Complaint.

20. To the extent the allegations in paragraph 27 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 27 of the Complaint.

AS TO THIRD CAUSE OF ACTION

21. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

22. Defendants deny the allegations contained in paragraph 29 of the Complaint.

23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Complaint.

24. To the extent the allegations in paragraph 31 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 31 of the Complaint.

AS TO FOURTH CAUSE OF ACTION

25. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

26. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Complaint.

27. To the extent the allegations in paragraph 34 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 34 of the Complaint.

AS TO FIFTH CAUSE OF ACTION

28. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 of the Complaint.

30. To the extent the allegations in paragraph 37 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 37 of the Complaint.

AS TO SIXTH CAUSE OF ACTION

31. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

32. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Complaint.

33. Defendants deny the allegations contained in paragraph 40 of the Complaint.

34. To the extent the allegations in paragraph 41 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 41 of the Complaint.

AS TO SEVENTH CAUSE OF ACTION

35. Defendants repeat, re-allege and incorporate by reference their responses to paragraphs 1 through 20 of the Complaint as if fully set forth herein.

36. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 of the Complaint.

37. Defendants deny the allegations contained in paragraph 44 of the Complaint.

38. Defendants admit the allegations contained in paragraph 45 of the Complaint.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Complaint.

40. Defendants admit the fact that they are the Debtor's sisters. Otherwise, Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegation in paragraph 47 of the Complaint.

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 48 and 49 of the Complaint.

42. To the extent the allegations in paragraph 50 state legal conclusions, no responsive pleading is required. Otherwise, Defendants deny the allegations contained in paragraph 50 of the Complaint.

AS AND FOR DEFENDANTS' FIRST AFFIRMATIVE DEFENSE

43. The Complaint should be dismissed because it fails to state a claim upon which relief may be granted.

AS AND FOR DEFENDANTS' SECOND AFFIRMATIVE DEFENSE

44. The Complaint should be dismissed on the basis that the Transfer is excepted from recovery under 11 U.S.C. § 547(c)(1).

AS AND FOR DEFENDANTS' THIRD AFFIRMATIVE DEFENSE

45. The Complaint should be dismissed on the basis that the Transfer is excepted from recovery under 11 U.S.C. § 547(c)(2).

AS AND FOR DEFENDANTS' FOURTH AFFIRMATIVE DEFENSE

46. The Complaint should be dismissed on the basis that the Transfer is excepted from recovery under 11 U.S.C. § 547(c)(4).

AS AND FOR DEFENDANTS' FIFTH AFFIRMATIVE DEFENSE

47. The Complaint should be dismissed on the basis that the Debtor received reasonably equivalent value and fair consideration in exchange for the Transfer such that it is not voidable under 11 U.S.C. § 548(a)(1)(B) and N.Y. Debt. & Cred. Law § 273.

AS AND FOR DEFENDANTS' SIXTH AFFIRMATIVE DEFENSE

48. The Complaint should be dismissed on the basis that the Defendants are good-faith transferees that provided value in exchange for the Transfer such that it is not voidable under 11 U.S.C. § 548(c).

AS AND FOR DEFENDANTS' SEVENTH AFFIRMATIVE DEFENSE

49. The Complaint should be dismissed on the basis that the Trustee's claims are barred in whole or in part by applicable statute of limitations.

AS AND FOR DEFENDANTS' EIGHTH AFFIRMATIVE DEFENSE

50. The Complaint should be dismissed on the basis that the Trustee's claims are barred by the doctrine of waiver.

AS AND FOR DEFENDANTS' NINTH AFFIRMATIVE DEFENSE

51. The Complaint should be dismissed on the basis that the Trustee's claims are barred by the doctrine of laches and/or estoppel.

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RESERVATION OF RIGHTS

52. The Defendants reserve all rights to amend this answer, raise any additional defenses, cross-claims, and third-party claims not asserted herein of which they may become aware through discovery or other investigation, as may be appropriate at a later time.

* * *

WHEREFORE, the Defendants respectfully request that this Court enter an order:

- (1) dismissing the Complaint; and
- (2) granting such other and further relief as this Court deems just and proper.

Dated: New York, New York
November 6, 2019

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Counsel to the Defendants

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